REMARKS

I. Status of Claims

Prior to entry of this paper, **Claims 1, 8-10, 17-20, 23, 24, 28-33, and 35-105** were pending. **Claims 1, 8-10, 17-20, 23, 24, 28-33, and 35-105** were rejected. In this paper, **Claims 1, 17, 28, 33, 35, 38-51, 64-76, 86, and 96-105** are amended. **Claims 1, 8-10, 17-20, 23, 24, 28-33, and 35-105** are currently pending. No new matter is added by way of this amendment. For at least the following reasons, it is respectfully submitted that each of the presently pending claims is in condition for allowance.

II. Interview

An interview with regard to this application was conducted with Examiner Lim on Thursday, May 1, 2008. In the interview, the differences between the prior art reference of Danieli (USPN 7,240,093) and the claimed invention were discussed, particularly with regards to the differences between the operation of the game utility of Danieli and the interactions and messages of a "*game client*" and a "*messenger client*" as is further claimed herein. The examiner indicated that the game utility of Danieli, with respect to the previous versions of pending claims, was being correlated with the claimed "*game client*". A draft of a proposed claim amendment was given to the examiner, though no agreement was reached with regards to the effect of such amendment in comparison with the prior art of record.

The examiner is again thanked for being willing to organize and conduct this interview. The insight and suggestions provided during this interview are further incorporated into the claim amendments and remarks presented herein. In light of the following response, any additional suggestions or clarifications that the examiner may have would be duly acknowledged and appreciated.

III. Claim Rejections - 35 U.S.C. § 101

Claims 38-51, 64-85 and 96-105 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With this paper, these claims have been amended to further clarify that the logic and program code are included on a computer readable medium or executed at a client computer. As such, it is respectfully submitted that each claimed combination of code and logic with a medium or client is a

computer element that defines structural and functional interrelationships between the code or logic and the rest of a computer which permit the code or logic's functionality to be realized. As further discussed in MPEP 2106, it is respectfully submitted that this computer readable medium and logic executing at a client, as claimed in amended Claims **38-51, 64-85 and 96-105**, is statutory. Support for these amendments can be found throughout the application as originally filed, including on page 3 at lines 6-16, page 5 at lines 1-10, page 6 at lines 17-21, and page 8 at lines 12-24 of the specification and Figures 1-3 of the drawings. In light of this amendment, withdrawal of the previous rejections to these claims under 35 U.S.C. §101 is respectfully requested.

With particular regard to claims such as amended **Claim 38**, it is respectfully submitted that "computer readable medium" is at least a generic term that is reasonably and adequately conveyed in the specification as originally filed. For example, as noted on page 9, line 23, game client executables are "installed" in a "directory location". Page 21, line 14, of the specification also discusses "downloading" a program that embodies a game client. In light of at least these operations, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would have recognized that various standard components of a client computer, such as a "disk drive" and "random access memory" further noted on page 6, lines 10-16, are involved with enabling the functionality of computer program code to be realized on a client's computer. Accordingly, it is respectfully submitted that this term "computer readable medium" clearly and properly serves as a generic term for such computer components, while also meeting the requirements of both 35 U.S.C. §101 and 35 U.S.C. §112.

VI. Claim Rejections - 35 U.S.C. § 102

Claims 1, 8-10, 17-20 and 23-24, 28-32, 33, 35-39, 40-51 and 96-105, and 52-95 were also rejected under 35 U.S.C. 102(e) as being anticipated by Danieli et al, USPN 7,240,093, (hereafter 'Danieli').

With this paper, **Claims 1, 17, 28, 33, 35, 38, 40, 64, 76, 86, and 96** have been amended to further clarify the distinction, and thus grounds for patentability, between the teachings of Danieli and the inventions respectively claimed therein. Particularly, the amendments to these claims further clarify the contents and use of data transferred between an inviter's game client and an invitee's messenger client, as is further respectively presented in these amendments. Support for these amendments can be

found throughout the application as originally filed, including on page 3 at lines 29-33, page 9 at lines 22-25, page 10 at lines 21-30, page 13 at lines 28-32, and page 14 at lines 3-15.

In contrast to the claimed inventions represented in at these amended claims, Danieli discloses a system for players to host and join a chat session, which may then be used to launch a game. In col. 3, lines 17-24, Danieli references two types of games and players that are enabled to join a game. These two sets of games and players are "players from a list of contacts provided by the online messaging service to invite to join a game, whereupon a selected game can be launched on all of the players' computers through a single command issued by the host" (col. 3, lines 17-21) and "players with a list of existing chat sessions being hosted by other players so as to enable the players to join games that are already in progress" (col. 3, lines 22-24). With regard how these actions are formally implemented in Danieli, the technical details of the system taught by Danieli are notably distinct from that which might otherwise be construed necessary to anticipate the claimed invention.

For example, for the first game category, a game newly being launched, the invitation from a host is actually an invitation for a player to join a chat session (col. 9, lines 28-32 and col. 10, lines 43-44; and col. 16, lines 44-46). Then, "when all of the players the host desires to have participate in a multiplayer online computer game have joined the host in the chat session, the host can launch an instance of a DIRECTPLAY Lobby Game on each of the chat session participants' computers" (col. 16, lines 44-50). Such an order of operations clearly indicates that the invitation is not actually an invitation to directly join a game, but rather an invitation for a player to join a chat session from which the host may then launch a game. Again, this technical description in Danieli provides the proper understanding of the situation suggested in the summary of the invention, as is listed in column 3 of Danieli.

With regards to the second game category, a game in progress, Danieli is silent with regards to how a game may be launched for a player trying to join a game in progress. The cited section of column 3, lines 22-23 of Danieli notes that a "list of existing chat sessions" enables such an action, but does not provide additional technical information with regards to how this may actually be performed. Even the belated receipt of an invitation for a potential player, which is received after both MSN messenger and a game utility 30 are running (col. 14, lines 28-35), does not provide indication how "Chuck" is enabled to actually join an ongoing game. Rather, Danieli discloses how the player is accepted to a channel of the chat session, which again, is not the game (col. 14, lines 38-50). Being informed of a game is not equivalent to or suggestive of the details of actually joining a game. In fact, it is respectfully submitted

that Danieli, at best, suggests that in such a situation, a host still has to actually provide the IP address to the player (col. 4, lines 8-11), which is distinct from the actions of the "*game client*" as further claimed in pending claims herein.

Finally, it is also noted that the game utility (30) and MSN messenger and of Danieli must be active and launched at each of a host and invited player's machine for the overall system to function (col. 6, lines 1-7). In fact, both applications are indicated as necessary in Danieli for an invited player to even receive an invitation to join a chat session (col. 14, lines 28-35 of Danieli). As such, the operation of this game utility 30 are clearly required in Danieli before a game can be launched, and also before invited players can learn of a chat session which a host, as noted above, may convert into the game instance (col 16, lines 44-50 of Danieli). Such properties clearly do not teach or suggest the claimed "*game client*" or "*invoking the invitee game client using the data*", as is further claimed herein and discussed below.

For example, **Claim 1**, as amended, recites "*the data in the message sent by the messenger client comprises a command line executable to connect to the game server*". The "chat invitation" of Danieli does not teach or suggest such a command line (col. 9, lines 28-57), as is further substantiated by the fact that a game is not started in Danieli until after users have accepted invitations to join a chat session (col. 16, lines 44-50). As noted above, Danieli is at best silent with respect to the form or contents of communications involved with "*automatically*" launching a game at each chat session participant's computer (col. 16, lines 44-50 of Danieli). As such, it is respectfully submitted that the teachings of Danieli do not teach or suggest at least this limitation of Claim 1. Accordingly, withdrawal of the previous rejection under 35 U.S.C. §102(e) is respectfully requested.

Similarly, **Claim 17** recites "*the data sent from the inviter game client and included in the routed message further comprises a command line and a registry entry to invoke the game client and connect to the game server*". As noted with regards to Claim 1, Danieli does not teach or suggest "*a command line*" as being "*part of a routed message*" as is further claimed in at least Claim 17. For similar reasons, Danieli does not teach or suggest the claimed "*registry entry*". Also, the game utility 30 at an invited player's computer in Danieli cannot be relied upon as equivalent to the claimed "*game client*", at least so far as such a game client must be initiated at the player's computer by the player before a chat invitation can also be received by the player (col. 14, lines 28-35). As such, it is respectfully submitted that the

teachings of Danieli do not teach or suggest at least this amended limitation of Claim 17. Accordingly, withdrawal of the previous rejection under 35 U.S.C. §102(e) is respectfully requested.

In a manner similar, albeit different, to that of Claim 1, **Claims 28, 33, 35, 38, 40, and 64** have also been amended to further clarify the nature of routed and received data that is related to an invoked activity or game, as is further respectively claimed therein. At least the amended limitations of these claims are also not taught or suggested by the "telephone" communication (col. 10, lines 43-48), the "chat invitation" (col. 14, lines 28-35) and the "automatically launch" (col. 16, lines 44-50) aspects of Danieli. Accordingly, it is respectfully submitted that these claims are also not taught or suggested by Danieli for reasons similar to those presented herein for at least Claims 1 and 17. **Claims 76, 86, and 96** have also been amended herewith to further clarify the nature of the interactions and passing of data between a gaming client and a messaging client, which is also not taught or suggested by the gaming utility 30 of Danieli, which further runs "on top" of MSN Messenger (col. 7, lines 39-45). Accordingly, each of these claims is also not taught or suggested by the disclosure of Danieli. Accordingly, withdrawal of the previous rejections to Claims 28, 33, 35, 38, 40, 64, 76, 86, and 96 under 35 U.S.C. §102(e) is respectfully requested.

With regards to **Claim 53,** it is respectfully submitted that Danieli does not teach that the data used to invoke a game client at an inviter client comprises "*a game server network address*", an identifier that is "*active game on the identified game server*" or a "*port identifier that identifies a port on the identified game server*" as is further claimed therein. As noted above, the teachings of Danieli comprise sending a user a invitation to join a chat session, which is not disclosed in Danieli as being a game (col. 14, lines 28-32). Rather, the teachings of Danieli state that a game may be automatically launched (col. 16, lines 44-50) "when all of the players the host desires to have participate in a multiplayer online computer game have joined the host in the chat session". Further details, except that such an automatic launch may be applied to one particular type of game, are not provided in Danieli (col. 16, lines 46-65). Other types of games must be launched manually (col. 17, lines 1-6 of Danieli). Thus, clearly, the invitation of Danieli does not include the above noted elements further claimed in at least Claim 53. The most recent Office Action, at page 7, lines 1-6, does not cite a portion of Danieli that otherwise supports this finding of anticipation, noting particularly that col. 10, lines 43-48 of Danieli discloses providing an IP address for a chat session by email or telephone, which is clearly not data that "*identifies the active game on the identified game server*" as is further claimed in at least Claim

53. In fact, it is respectfully submitted that Danieli would not need to transmit this data from a host to a person invited to chat, so far as the source of the message in Danieli, the host, is the same device with which the invited player then connects to play the game. Such an arrangement obviates the need for transfer of such game server data in Danieli, and as such, withdrawal of the rejection of this claim is respectfully requested for at least this additional reason.

With regards to **Claim 62**, it is respectfully submitted that Danieli does not teach or suggest *"validating the potential game as legitimate"*. The Office Action, on page 7, does not note this claim language, much less provide a citation to support the finding of anticipation under 35 U.S.C. §102(e). The mere launching of games, as noted in col. 16, lines 46-49 and col. 17, lines 10-14 of Danieli, does not teach or suggest this limitation. As such, it is respectfully submitted that this claim is not taught or suggest by the reference of Danieli. As such, withdrawal of the rejection of this claim is respectfully requested for at least this additional reason.

So far as Claims **8-10, 18-20, 23, 24, 29-32, 36-37, 39, 41-63, 65-75, 77-85, 87-95, and 97-105** depend from amended independent claims or incorporate limitations similar thereto, it is respectfully submitted that these claims are also not taught or suggested for at least the same reasons as further discussed herein with regards to amended Claims 1, 17, 28, 33, 35, 38, 40, 64, 76, 86, and 96. Accordingly, withdrawal of the rejections of these claims under 35 U.S.C. §102(e) is also respectfully requested.

V. Double Patenting

Claims 1, 17, and 33 are rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1 and 13 of USPN 6,699,125. It is respectfully submitted that the amendments to Claim 1, 17, and 33 presented herein obviate the grounds of this rejection, at least so far as these claims, as amended, are not anticipated or obvious variants of Claims 1 and 13 of USPN 6,699,125. As noted above, the teachings of Danieli neither anticipate nor render obvious at least the amended limitations of these pending claims. Accordingly, withdrawal of this rejection is respectfully requested.

VI. Conclusion

In view of the above amendment, applicant's representative believes the pending application is in condition for allowance.

Dated: May 5, 2008   Respectfully submitted,

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